IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.798 OF 2005

M/s.B.G.Ahuja & ors. Appellants

Vs.

State Bank of India & anr. Respondents

Party in person.

CORAM: B.H.MARLAPALLE,J.
August 10, 2005.

ORAL ORDER:

. Heard the party in person. In the written statement filed in RCS No.143 of 1993 he raised a counter claim but did not apply under Order VIII Rule 6-A of CPC for raising a counter claim and straightway proceeded to submit an application at Exhibit 54 seeking permission to remit the Court fees in cash. The trial Court by the impugned order stated that in the absence of filing a counter claim there was no need to deposit any amount towards the Court fees and, therefore, the application was rejected. It is doubtful whether such an order could be challenged in an appeal.

. However, if the suit is still pending for trial, the appellant-defendant may raise his counter

claim under Order VIII Rule 6A of CPC and the same shall be considered on its own merits.

. The appeal is disposed off accordingly.

(B.H.MARLAPALLE,J.)